



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN BROADCASTING COMPANIES,
INC., et al.,

Plaintiffs,

-against-

AEREO INC.,

Defendant.

-----X

WNET, et al.,

Plaintiffs,

-against-

AEREO INC.,

Defendant.

-----X

12 Civ. 1540 (AJN) (HBP)

12 Civ. 1543 (AJN) (HBP)

ORDER

PITMAN, United States Magistrate Judge:

I write to memorialize the rulings I made at the discovery conference held in this matter on June 20, 2013, and to address an unresolved issue concerning the schedule for the completion of pretrial proceedings.

1. Defendant was ordered to produce both Joseph Lipowski and Chet Kanojia for an additional hour of deposition each. Defendant's counsel may issue a

general instruction to the witnesses not to answer questions that would require the disclosure of confidential communications with their attorneys. Counsel are reminded that they may contact my chambers ((212) 805-6105) for a ruling on any disputes that may arise during the course of a deposition.

2. Defendant was order to produce written confirmation to the WNET plaintiffs no later than June 28, 2013 that all responsive documents have been produced with respect to:

a. the documents identified in the paragraph numbered 1 on page 1 of Jenner & Block's June 17, 2013 letter;

b. the documents identified in the paragraph numbered 3 on page 2 of Jenner & Block's June 17, 2013 letter; and

c. the documents related to IOPEX as identified on page 2 of Jenner & Block's June 17, 2013 letter.

3. With respect to the documents concerning Hans Fischmann and Steven Pagano, no later than June 25, 2013, defendant was ordered to either inform the WNET Plaintiffs of any issue with the keywords that the WNET

Plaintiffs have provided to defendant or advise the WNET Plaintiffs of the date that production of these documents will be completed.

4. Defendant was ordered to provide written confirmation to the WNET Plaintiffs no later than June 28, 2013 that it is not withholding any responsive documents with respect to Requests Nos. 1-4 of the WNET Plaintiffs' Fourth Request for Documents, Request Nos. 1 and 2 of the WNET Plaintiffs' Fifth Request for Documents and Requests Nos. 1, 3-5 and 7-21 of the WNET Plaintiffs' Sixth Request for Documents on a basis other than privilege.

5. Defendant was ordered to complete its production of documents responsive to the WNET Plaintiffs' outstanding requests no later than July 8, 2013.

6. The deadline for the completion of all discovery is extended as to all parties to October 30, 2013.

7. A status teleconference was scheduled for July 10, 2013 at 4:00 p.m. Eastern Standard Time. Counsel were directed to provide a call-in number to my deputy, Mr. Bruce Hampton (tel. (212) 805-6112) in advance of the July 10 Conference. Any party wishing to raise an issue during the July 10 teleconference was directed to

fax a letter to my chambers (fax (212) 805-6111) no later than 3:00 p.m. Eastern Standard Time on July 3, 2013. Counsel were further instructed that any letter submitted shall contain a certification that it is no more than 1500 words in length (including text and footnotes) and that counsel has had a viva voce conversation -- not merely an exchange of correspondence, email or faxes -- with the adverse party in a good faith attempt to resolve the dispute without my intervention. Opposition letters were not to be submitted.

Dated: New York, New York
July 3, 2013

SO ORDERED



HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

All Counsel